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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of ASHAR AZIZ

Serial No.: 09/818,424

Filed: March 26, 2001

For: SYMBOLIC DEFINITION OF A  
COMPUTER SYSTEM

Group Art Unit: 2152

Examiner: Not Yet Assigned

**PETITION FOR REVIVAL – UNINTENTIONAL ABANDONMENT OF**

**APPLICATION (37 CFR 1.137(b))**

RECEIVED

NOV 04 2002

Box DAC  
Commissioner of Patents  
Washington, D.C. 20231

OFFICE OF PETITIONS

Sir:

The above-identified application became abandoned, unintentionally, under 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely file a Request to Rescind Previous Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(ii).

Applicant respectfully petitions for revival of the above-identified application. This petition is grantable for the following reasons.

1. **Summary of Procedural History.** This application was filed on March 26, 2001. A non-publication request under 35 U.S.C. 122(b)(2)(B)(i) was filed together with this application on March 26, 2001. On June 13, 2001, the applicant's assignee foreign filed this application by filing a corresponding PCT application and Taiwan application. The applicant or assignee did not file a Request to Rescind Previous Nonpublication Request within 45 days of the date of filing of the foreign applications. The abandonment date of this

55218-0504

11/01/2002 BNGUYEN2 00000117 09818424 640.00 OP  
01 FC:2453

application is July 29, 2001 (i.e., the day after expiration of the statutory period set to file the Request to Rescind Previous Nonpublication Request).

2. **Petition Fee.** As required by 37 CFR 1.137(b)(2), the petition fee of \$640.00 as specified in 37 CFR 1.17(m), in the form of a law firm check, is submitted herewith. The applicant qualifies as a small entity.

3. **Required Reply.** As required by 37 CFR 1.137(b)(1), a Request to Rescind Previous Nonpublication Request accompanies this petition. ✓

4. **Statement.** As required by 37 CFR 1.137(b)(3), applicant hereby states that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

5. **Terminal Disclaimer.** This petition is submitted in an application filed after June 8, 1995. Accordingly, under 37 CFR 1.137(b)(4) and (d), no terminal disclaimer is required.


The Office is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the consideration of this petition.

Please charge any shortages or credit any overages in fees to our Deposit Account No. 50-1302.

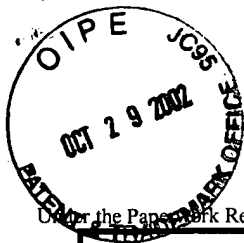
Respectfully Submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

October 29, 2002

  
\_\_\_\_\_  
Christopher J. Palermo  
Reg. No. 42,056

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San Jose, CA 95125-5106  
Fax No. (408) 414-1076



#8

PTO/SB/36 (4-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE


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**REQUEST TO RESCIND  
PREVIOUS NONPUBLICATION  
REQUEST  
35 U.S.C. 122(b)(2)(B)(ii)**

Application Number	09/818,424
Filing Date	Mach 26, 2001
First Named Inventor	Ashar Aziz
Title	SYMBOLIC DEFINITION OF A COMPUTER SYSTEM
Attorney Docket Number	55218-0504
Group Art Unit	2152
Examiner	No Yet Assigned

I hereby **rescind** the previous request that the above-identified application not be published under 35 U.S.C. 122(b).

Dated: October 29, 2002

  
Christopher J. Palermo  
Reg. No. 42,056

This request must be signed in compliance with 37 CFR 1.33(b).

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Note: Filing this rescission of a previous nonpublication request is considered the notice of a subsequent foreign or International filing required by 34 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) if this rescission is filed no later than forty-five days (45) days after the date of filing of such foreign or International application. See 37 CFR 1.137(f) if a notice of subsequent foreign or International filing required by 34 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is **not** filed within forty-five days (45) after the date of filing of the foreign or International application.

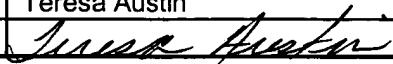
**EXPRESS MAIL CERTIFICATE OF MAILING**"Express Mail" mailing label number: E1734973486USDate of Deposit: October, 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and addressed to Box DAC, Commissioner For Patents, Washington, D.C. 20231

Name (Print/Type)

Teresa Austin

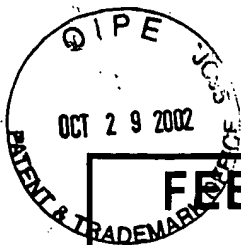
Signature



Date

October 29, 2002

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(b). The information is used by the public to rescind a previously filed request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that rescission). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.



10-31-02

DAC/#

PTO/SB/17 (12/99)

Approved for use through 09/30/2000. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# FREE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision,  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.  
See 37 C.F.R. §§ 1.27 AND 1.28

TOTAL AMOUNT OF PAYMENT (\$ 640.00)

**Complete if Known**

Application Number 09/818,424

Filing Date March 26, 2001

First Named Inventor Ashar Aziz

Examiner Name

Group/Art Unit 2152

Attorney Docket No. 55218-0504

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NOV 04 2002

**OFFICE OF PETITIONS****METHOD OF PAYMENT (check one)**

1. ☒ Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Deposit Account Number

50-1302

Deposit Account Name

Hickman Palermo Truong &amp; Becker, LLP

2. ☒ Payment Enclosed:

☒ Check ☐ Money Order ☐ Other

3. ☐ Applicant(s) is entitled to small entity status.  
See 37 CFR 1.27

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0.00)

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from Below	Fee Paid
Independent Claims	-20**=	18.00	
Multiple Dependent	-3**=	84.00	

\*\*or number previously paid, if greater; For Reissues, see below

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00)

**3. ADDITIONAL FEES**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	640.00
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	690	246	345	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	690	249	345	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify)					
Other fee (specify)					

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 640.00)

**SUBMITTED BY**

Name (Print/Type) Christopher J. Palermo

Registration No. (Attorney/Agent) 42,056

**Complete (if applicable)**

Telephone (408) 414-1080

Signature

Date

October 29, 2002

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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**EXPRESS MAIL CERTIFICATE OF MAILING**

"Express Mail" mailing label number EL734973486US Date of Deposit October 29, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box DAC, Commissioner for Patents, Washington, D.C. 20231.

Teresa Austin

(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)